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Independent Claims 50 and 51 are amended to more particularly point out the subject matter of the invention claimed therein.

Claims 37-40 are cancelled.

Election/Restrictions

Nonelected Claims 37-40 are cancelled without prejudice. Claims directed to the subject matter of Claims 37-40 are included in co-pending Application No. 12/683,227, which is a divisional of the present application.

Claim Rejections - 35 USC §101

The rejection of Claims 50 and 51 under 35 USC 101 as being directed to non-statutory subject matter is met by amending each of these two claims to recite "A nontransitory computer readable storage medium ..." as recommended by the Examiner.

Claim Rejections - 35 USC §103

The rejection of Claim 36 under 35 USC 103(a) as being unpatentable over Bousquet in view of Kosaka is respectfully traversed for at least the following reasons:

Claim 36 is patentable over Bousquet in view of Kosaka because, contrary to an assertion by the Examiner, Bousquet does not disclose applying different frequency hopping patterns to a received communication signal. Bousquet merely discloses a TDMA transmission method that applies frequency hopping to a plurality of carrier frequencies that include a first set of at least one carrier frequency that is exclusively dedicated to transmitting signaling data, and a second set of carrier frequencies that is formed of the set of carrier frequencies that do not belong to said first set and is dedicated exclusively to transmitting payload information. (Column 1, lines 50-61). Bousquet does not teach applying different frequency-hopping patterns to the different sets of carrier frequencies, as required by Claim 36.

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Kosaka merely discloses a frame structure that includes a preamble and a payload, wherein the preamble includes an identification segment and an acquisition segment. Kosaka does not disclose or suggest that the identification segment and the acquisition segment are transmitted at different frequencies, much less applying different frequency hopping patterns for transmission of the identification segment and the acquisition segment, as required by Claim 36.

Allowable Subject Matter

The allowance of Claims 1-27, 34, 48 and 49 and the indication that Claims 50 and 51 would be allowable if amended to overcome the rejection under 35 USC 101 are gratefully acknowledged. Claims 50 and 51 have been so amended.

Conclusion

Applicant does not necessarily agree with any of the Examiner's comments regarding the applicability of the cited references to any of the claims. However, in view of the reasons presented herein for traversing the rejections of the claims, applicant is not presenting additional arguments at this time. Applicant reserves the right to present additional arguments for traversing the present and any future rejections of the claims.

Reconsideration and allowance of Claims 36, 50 and 51 are respectfully requested.

Respectfully submitted,



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